

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

EUGENE THACH, PRESIDENT 2004 PRESIDING

September 7, 2004

A. CALL TO ORDER

The September 7, 2004, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Eugene Thach, Board President.

Chief Deputy Charlie Brown of the DeSoto County Sheriff's Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

Supervisor Jessie Medlin-----District 1
Supervisor Eugene C. Thach-----District 2
Supervisor Bill Russell-----District 3
Supervisor Allen Latimer-----District 4
Supervisor Tommy Lewis-----District 5
W. E. Sluggo Davis-----Chancery Clerk
Bobby Chamberlin-----Board Attorney
David Armstrong-----County Administrator
Sheriff James Albert Riley-----DeSoto County Sheriff 's

Department

B. INVOCATION

Chancery Clerk Sluggo Davis presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF MINUTES

The official minutes of the Board of Supervisors were read for the month of August 2004, pursuant to Section 19-3-27 of the Mississippi Code of 1972, Annotated. Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the minutes of the Board of Supervisors, with clarifications made by the Supervisors, for the month of August 2004. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

E. PUBLIC SAFETY MEMORIAL

Hugh Bassinger and Jerald Wheeler addressed the Board of Supervisors regarding the Public Safety Memorial. Mr. Bassinger said that the memorial has been ordered and requested approval from the Board to turn the memorial over to the County when it is set on the Courthouse ground.

Mr. Bassinger said they are also establishing a scholarship fund for children of fallen police and firefighters and said that will be turned over to Northwest.

Mr. Bassinger requested that the County pay for the landscaping at the memorial. Supervisor Russell explained Mr. Bassinger is referring to the sidewalks.

Mr. Bassinger said they would like to have a maintenance person from the County meet with the memorial representatives Friday morning at 10:30 to finalize plans for the memorial. Mr. Bassinger requested the County's assistance with lights and a pole.

The Board Attorney agreed that the County could participate in placement of the memorial.

Supervisor Thach suggested letting the County Engineer Andy Swims meet with the memorial representatives on Friday as well.

Supervisor Russell said that he is getting a lot of calls about donations. Mr. Bassinger said anyone wishing to donate can contact him at 870-0707.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to have Director of Building and Grounds Kenny Evans and County Engineer Andy Swims meet with the memorial representatives and approve the County taking care of maintenance of the memorial. The motion included that the County build the sidewalks and put up the lights and assume the cost of the lighting. The motion also approved perpetual care of the monument. The motion passed by a unanimous vote.

F. PUBLIC HEARING – BUDGET

Supervisor Eugene Thach welcomed everyone to the meeting who have come concerning the FY05 Budget.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to open the Public Hearing for the Budget. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----ABSENT
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

County Administrator David Armstrong explained that the current millage in the County is 86.78 mills Countywide and the proposed millage for 2005 is 94.62 mills. Mr. Armstrong said that 5.86 mills of the increase will go to the DeSoto County School system. Mr. Armstrong said that he will recommend an increase of 2 mills to the Board of Supervisors.

1. DeSoto County Juvenile Drug Court

County Court Judge Mills Barbee and DCAOP Coordinator Susan Boyce appeared before the Board of Supervisors regarding the Juvenile Drug Court in DeSoto County. Judge Barbee explained that he and Susan Boyce have completed training for the Drug Court from a grant. Judge Barbee said they are here to give the status of the Drug Court and to ask for

seed money for a pilot program. Judge Barbee explained that the Juvenile Drug Court is a special court for drug cases for juveniles only. Judge Barbee presented a framed certificate showing completion of the Drug Court Training to the Board of Supervisors and asked that they hang it in an appropriate place in the County. Judge Barbee explained that this will be a County Court. He said he and Ms. Boyce were before the Board to ask for \$30,000 seed money for the program.

Supervisor Russell asked if the \$30,000 can be applied to the County's match on the Federal Grant for the Drug Court. Judge Barbee said no. Judge Barbee explained that currently Adams and Madison County are the only two with an active Drug Court, but one or two others are looking at adding the program. Judge Barbee said the Drug Court program may be getting some assistance after the first of the year. Judge Barbee said with the \$30,000 from the Board of Supervisors they are looking at serving three children next year. Judge Barbee said this is a very intensive program. He said 600 treatment sessions and 300 drug screenings will be given during the year. Judge Barbee said currently they are successful at handling these cases only when there is insurance coverage or the families are financially able to pay for treatment. Judge Barbee explained that this money will be used to provide this service to the children.

Supervisor Medlin said if we don't take some initiative during this time of the children's lives, the County will have them in jail later in life.

Judge Barbee reiterated that the request is for seed money for a pilot program. He said they hope to have grant money in the future. He said they will apply for a \$500,000 grant. Judge Barbee commended Susan Boyce and the Drug Court team and said that the school wanted to use their materials over the next three years.

Supervisor Russell clarified that if the grant is acquired, the County is looking at a \$115,000 match over three years. Ms. Boyce said that some of those costs can be in-kind services. She said she will verify that the \$30,000 during this budget year cannot be counted as grant match. She explained that the only way that the County will get the grant is if the program is certified.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to take the matter under advisement. The motion passed by a unanimous vote.

Supervisor Lewis asked if unlimited resources were available, how many families could be served by this program. Judge Barbee said 20-25 families. Supervisor Latimer asked if the program has a high success rate. Judge Barbee said yes.

See Exhibit F.A

2. Library

Jim Anderson, Director of the First Regional Library, said a 3% increase on the library budget would have a detrimental effect on the library system. Mr. Anderson explained their plans for the increase in their budget. Mr. Anderson said they have volunteer programs, but most of them are operated during the summer months. Mr. Anderson explained that they have not heard from the other governmental entities in the district.

Supervisor Lewis asked if Mr. Anderson has a compromise budget number from the 15% increase he requested. Mr. Anderson said he would accept 10%.

Supervisor Thach asked how much the library has in contingency. Mr. Anderson said last year the balance was \$1,384,777, and of that amount \$627,176 are designated funds and \$52,000 of the amount are grant funds. He said the library used \$150,000 of the contingency money to balance their budget this past year.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to take this matter under advisement. The motion passed by a unanimous vote.

Supervisor Thach asked if anyone was present to talk to the Board about the budget. No one came forward.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to close the Public Hearing for the budget. The motion passed by a unanimous vote.

County Administrator David Armstrong recapped the budget process and commended the Board of Supervisors for holding down County taxes. Mr. Armstrong recapped the millage of the County.

Mr. Armstrong said the Sheriff Riley has agreed to remove \$50,000 from the Patrol budget and has asked that any money not spent in the FY04 budget be carried over to the FY05 budget; he estimated this amount to be @ \$122,000.

Mr. Armstrong thanked Bill Bryant and Pieter Zee of the Tax Assessor's office for their assistance with the millage process.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to take the budget request under advisement. The motion passed by a unanimous vote.

Supervisor Bill Russell asked the County Administrator, in his opinion, is the County going to be in trouble next year with millage. Mr. Armstrong said yes. He said the Board will have to raise millage next year. Supervisor Russell said he is not going to do that. He said there are projects that need to be done and he does not see how the Board can do those projects on the proposed millage.

Supervisor Thach said this is not a lean budget.

Supervisor Allen Latimer made a motion to carry over the funds from the District Park budgets. The Board of Supervisors discussed the Park funds and next year's budget and the needs of the County parks. Supervisor Latimer's motion failed to get a second.

Mr. Armstrong said that Tom Arnold has worked hard on the FY05 budget. He has put in a lot of long hours and Mr. Armstrong thanked the Comptroller for his dedication.

Supervisor Jessie Medlin made the motion to add 2% to the current 3% increase for the library making a total increase from the FY04 budget for the library system of 5%. Supervisor Medlin said his motion also included funding \$30,000 for the Youth Court Drug Court program. Supervisor Tommy Lewis seconded the motion. The motion passed by a unanimous vote.

3. Resolution to Approve Senate Bill 2647

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the raises set by Statute by the State Legislature and Senate Bill 2647, as follows:

Tax Assessor to a salary of \$61,500
Tax Collector to a salary of \$65,000
Prosecuting Attorney to a salary of \$46,451
Sheriff of DeSoto County to a salary of \$94,000
Board of Supervisors to a salary of \$45,700
Justice Court Judge to a salary of \$46,451
Chancery and Circuit Clerk to a salary cap of \$90,000

They also agreed to accept the Supervisor’s salary increase as allowed by Senate Bill 2647. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----NO
Supervisor Allen Latimer-----NO
Supervisor Tommy Lewis-----YES

Supervisor Latimer said that the Board members who served during the previous term or terms deserve the salary increase set by Statute. Supervisor Latimer said he has not been elected long enough to accept the salary increase.

Supervisor Tommy Lewis made the motion and Supervisor Allen Latimer seconded the motion to approve the discretionary \$10,000 salary increase for the DeSoto County Sheriff. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----NO
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

Supervisor Medlin said he thinks the increase should be done in Jackson and not be put on the Board of Supervisors shoulders.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board President to sign the Resolution to accept raises as set by Senate Bill 2647. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----NO
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

G. PUBLIC HEARING – Railroad Crossing

County Engineer Andy Swims, Cheryl Townlian of the Burlington Northern and Santa Fe Railway Company, and Stephen Edwards of Mississippi Department of Transportation Rails Division appeared before the Board of Supervisors for the Public Hearing on the Highway Rail Grade Crossing Safety Improvements project in the Miller area and Red Banks area in DeSoto County, Mississippi.

Supervisor Jessie Medlin made the motion to open the Public Hearing for the DeSoto County Mississippi Board of Supervisors and the Burlington Northern Santa Fe Railway, who jointly petitioned the Mississippi Transportation Commission in the interest of Highway Rail Grade Crossing Safety, for authority to install and/or upgrade systems of automatic flashing light signal, gates and highway rail crossing traffic control devices, and to improve, as necessary, the crossings surfaces and approaches thereto at two public highway crossing locations, and for authority to permanently close and abolish one other public highway rail crossing, all as hereafter set forth in the Miller area and Red Banks area in DeSoto County, Mississippi. The Board acknowledged that the Public Hearing has been duly published and the public has been notified of the Public Hearing. The motion passed by a unanimous vote.

Mr. Swims said that two railroad crossings are being considered for improvements. The crossings are located at Red Banks Road and Center Hill Road. Mr. Swims reminded the Board that they recently voted to fund 15% of the railroad crossing with the Transportation

Commission and the railroad funding the balance of the cost.

Mr. Swims said the other crossing affected by this Public Hearing is one on Center Hill Road that serves three tracts of land. Supervisor Thach asked if anyone was before the Board in opposition of the railroad closing. No one came forward. Mr. Swims said the objective is for the County to build a road parallel to the railroad track to give access for the landowners. Mr. Swims said the railroad has agreed to give \$25,000 to the County for the road construction cost. Mr. Swims said it looks like the \$25,000 will cover the cost to build the road; however, there are some electrical and telephone lines that will need to be moved and that may be an extra cost. Mr. Swims said he does not have an estimate on the utility relocation costs. He said it looks like the utilities are outside the ROW, but there will be some drainage work to do as well. Mr. Swims said that Burlington Northern Santa Fe has agreed to donate 30 feet of easement for the project. He explained that BNSF has 150 feet of ROW in the area and they will allow the County to put the road on 30 feet of their ROW. Mr. Swims said plans are for the County to build a 20-22 foot road. He said if the County had to do some ditching, it would be necessary to get on the property owner's land. He said he had talked to the landowners and explained that to them. Supervisor Medlin said the County has never had an issue with Centurytel or North Central for moving utilities. The Road Manager agreed. Supervisor Medlin said he thinks it would be safer for the people to come out on the new road than the way they currently come out.

Supervisor Medlin presented a petition with signatures of people who want the upgrade to happen. The Board instructed that they be made a part of these minutes.

Mr. Swims said the landowners affected by the closing of the crossing were concerned about 911 being able to find their house because of the address change. The Board asked that 911 be notified of the closing. Supervisor Medlin suggested naming the road Morris Road. Mr. Edwards said both of the crossings will get signals and gates. Mr. Swims asked where this money will be paid from. The Board asked the Road Manager to find the money for the project. Supervisor Russell asked if the road will be paved. Mr. Swims said yes.

Mr. Swims said that the landowners at the closed crossing want the ditches cleaned out because it will flood at times. He said right now the people are carrying their garbage across the railroad tracks. Mr. Swims suggested building a turnaround for the garbage truck. Supervisor Medlin said it should be able to be worked out without a turnaround if we work through BFI.

Supervisor Lewis said he wanted to know about the easement and the length of time the easement would be good. Ms. Townlian said there would be a 30 foot easement at no cost to the County. She said railroad regulations do not allow them to give ROW. She said this will be a permanent easement. Mr. Edwards said he would be asking the Board to revise the agreement to include Green River and Church Road Crossings. He said the County has already committed to other projects. He said they are 100% MDOT and MDA funded. He said they are waiting for the bond money now.

Supervisor Russell asked the estimated timeframe for the project. Ms. Townlian said 12 months from the time they receive all the paperwork. Mr. Edwards said he would give it 15 months to allow the paperwork to be done. He said he will need a joint petition and a closure agreement from the County. Ms. Townlian said she needs something from the Board saying the Board agreed the crossing will be closed so that she can proceed with the easement. Mr. Chamberlin said we need a Board Resolution asking MDOT to close the crossing. Andy Swims said he will prepare the Resolution.

Supervisor Thach asked if anyone was present for or against the crossing. No one came forward.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to close the Public Hearing. The motion passed by a unanimous vote.

Supervisor Jessie Medlin made the motion to send a Resolution to MDOT to close the railroad

crossing at Hwy 178 and Miller Road; to upgrade the Center Hill and Red Banks Road crossings; and to authorize the Board President to sign a Resolution for final approval. Supervisor Bill Russell seconded the motion. The motion passed by a unanimous vote.

Later in the meeting, Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to accept an additional petition supporting upgrading the crossings. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----ABSENT
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit G

H. TAX PROTESTS

1. Park Development

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to open the Public Hearing. The motion passed by a unanimous vote.

Board Attorney Bobby Chamberlin said that Park Development has not been able to reach an agreement with the Tax Assessor's office. Bill Bryant agreed.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to deny the tax protest by Park Development on the following parcel numbers:

#2081-0107.0-00037.00
#1088-2800.0-00004.02
#2081-0107.0-00036.00
#1098-3400.0-00007.07
#1088-2700.0-00022.06
#2081-0107.0-00036.01
#2081-0107.0-00037.01

The motion passed by a unanimous vote.

2. Mark & Rebecca Parmley

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to deny the tax protest by the Parmleys on parcel #3088 2703.0-00079.00. The motion passed by a unanimous vote.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to close the Public Hearing. The motion passed by a unanimous vote.

I. OLD BUSINESS

1. Approval of Tax Roll

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the Tax Roll for FY04. The motion passed by a unanimous vote.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to recess the meeting until 1:30 p.m. The motion passed by a unanimous vote.

2. Olive Branch Food Pantry Lease Agreement

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to hold this item over until September 20, 2004. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----ABSENT
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

J. NEW BUSINESS

1. Hernando Women’s Club

Kathy Chatham, President of the Hernando Women’s Club, and Doug Thornton, Architect, appeared before the Board of Supervisors regarding improvements to the Courthouse Square. Ms. Chatham said that they are now a registered non-profit with the State of Mississippi. They have applied for a 501C3 permit. She said the have \$38,000 in the bank with another \$20,000 pledged from a family. She said Hayden Holly of Wal-Mart called last week to donate 90 azaleas and ten ornamental trees, and he is asking Wal-Mart for a donation as well.

Doug Thornton said the improvements for this portion of the project will be placed at the southwest corner of the intersection of Hwy 51 and Commerce Street on the northeast corner of the Courthouse. They explained part of the improvements would be on County property and part would be on City property. She said the Courthouse is well kept by the County and the Women’s Club is hoping that the County will maintain the portion of the project that is on County property as well. Ms. Chatham said that they are requesting permission to build the clock tower, permission for the County to maintain the portion of the project on County property and they are asking for money. She explained that this is phase one of the project. They plan to go all the way around the square.

Board Attorney Bobby Chamberlin confirmed that it is legal to allow the improvements on County property.

Supervisor Latimer said he has received concerns that anything done to the square will not distract from the beauty of the Courthouse.

Supervisor Tommy Lewis made the motion and Supervisor Allen Latimer seconded the motion to allow the use of County property as is drawn on the diagram presented to the Board of Supervisors, and to approve the County doing the maintenance on the portion of the improvement that is on County property when it is built, to designate the area as a County park area, and that any changes from the presented improvements will need the Board’s approval, to stipulate that there will be no fountain on the property, and to approve accepting the donation of the improvements. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----NO
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

Ms. Chatham asked for Park Fund money from the County.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to request carrying over this item until a later date. The motion passed by a unanimous vote.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to allow District 5 Park fund to carry over \$12,000 to fund this expenditure next year with said funds being designated for this project. The motion passed by a unanimous vote.

2. Approval of Election Petitions for Nov. 2, 2004 Election

Chancery Clerk Sluggo Davis presented election petitions, and the Circuit Clerk had also forwarded election petitions for the Board to enact. Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to accept the petitions for election and to accept the Circuit Clerk's certification of the petitions and approved to make them a part of the minutes as follows:

School Board District 1	Susan V. Johnson
School Board District 2	Stephen W. Dodd
Election Commissioner District 1	Paul M. Beale, Republican
Election Commissioner District 2	Barry Chatham, Republican
	Henry Ryder, Republican
Election Commissioner District 3	Joe Forsythe, Democrat
	Danny Klein, Republican
Election Commissioner District 4	Carl W. Payne, Republican
Election Commissioner District 5	Tina T. Hill, Republican

The motion passed by a vote as follows:

Supervisor Jessie Medlin	-----YES
Supervisor Eugene C. Thach	-----YES
Supervisor Bill Russell	-----ABSENT
Supervisor Allen Latimer	-----YES
Supervisor Tommy Lewis	-----YES

3. Inventory - Circuit Court Administrator – Final

At the recommendation of Inventory Clerk Joyce Herring, in accordance with Section 31-7-107 of the Mississippi Code, Supervisor Tommy Lewis the motion and Supervisor Jessie Medlin seconded the motion to approve the preliminary and final disposition of inventory for the Circuit Court Administrator as follows:

ASSET #	SERIAL #	DESCRIPTION	REASON FOR DISPOSAL	LOCATION OF DISPOSAL
34120	07816758967	Nokia Cell Phone	Updated	BFI

The motion passed by a unanimous vote.

See Exhibit J.3

4. Fire & EMS

a. Approval to Declare Ambulance Chassis as Surplus And Donate It to Southaven

At the request of the Director of Fire and EMS, Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to declare the ambulance

chassis, asset #12159 as surplus and approve a donation to the City of Southaven, and to authorize a preliminary inventory disposition as follows:

ASSET #	SERIAL #
12159	1FDKE30F9SHA70869

The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----ABSENT
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit J.4.a

b. Approval to Apply for Rural Fire Truck

Fire and EMS Director Bobby Storey said the fire truck allocation has been increased from \$50,000 to \$70,000 for the acquisition of rural fire trucks.

At the recommendation of Mr. Storey, Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve applying for a rural fire truck grant for Bridgetown Fire Department and authorized bidding for the fire truck.

The motion passed by a unanimous vote.

See Exhibit J.4.b

5. Bids

a. Approval to Open Bids for Emergency Generator

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to authorize opening bids for an emergency generator for Central Maintenance on Thursday, September 30, 2004 at 2:00 p.m. The motion passed by a unanimous vote.

See Exhibit J.5.a

b. Approval to Open Bids for Engineer for Starlanding Corridor

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to authorize opening bids for engineering services for the proposed Starlanding Corridor project on Tuesday, September 14, 2004 at 2:00 p.m. The motion passed by a unanimous vote.

See Exhibit J.5.b

c. Bids Under Advisement – Reappraisal Services

At the recommendation of the Purchasing Director Jeannine Ruby, Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to accept the low and only bid for reappraisal service from William M. Bryant at a cost as follows:

Real Property	\$51,000
Personnel Property	\$ 5,000
Mapping	<u>\$ 5,000</u>
Total	\$61,000

The motion passed by a unanimous vote.

See Exhibit J.5.c

d. Authorization to Bid Jail Food

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to authorize going out to bid for food at the DeSoto County Jail. The motion passed by a unanimous vote.

6. Tax Collector – Approval of Independent Contractor Agreement

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve carrying this item over until September 8, 2004. The motion passed by a unanimous vote.

See Exhibit J.6

7. Planning Commission – Code Violation, Myrtis Allison

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to open the Public Hearing. The motion passed by a unanimous vote.

Code Enforcement Officer Steve Powell and Director of Planning Merritt Powell notified the Board of Supervisors that Myrtis Allison is not cleaning his property, in violation of the DeSoto County Litter Ordinance. They explained that the County has still not been able to serve the Allisons. Mr. Powell recommended taking the Allisons to Court on the box located on their property, and told the Board of Supervisors that the entrance is on the road ROW. He said the columns are broken and are growing with weeds.

Supervisor Russell asked if we have gotten complaints from residents about the property. Mr. Powell said he does not have anything signed, but they have received complaints. Supervisor Russell expressed concern that the County handled the situation properly to avoid further issues and expenses. Board Attorney Bobby Chamberlin agreed that it should only be in the most drastic of situations that the County go out and clean the property. Supervisor Latimer said he knew there were previous problems on cleaning of property, but if the Board is not going to enforce the County’s Ordinances, then why were they adopted. Mr. Powell said the Ordinance says you cut the grass on any improved land.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to keep trying to serve the property owners. After discussion, Supervisor Russell withdrew the motion and Supervisor Medlin withdrew the second.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to close the Public Hearing. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

Later in the meeting, Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to reconsider the motion to close the Public Hearing for Myrtis Allison. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES

Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to continue the Public Hearing until September 20, 2004. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

See Exhibit J.7

8. Accounting

a. Claims Docket

The claims docket was presented by ComptrollerTom Arnold and Stephanie Hanks of the Accounting Department. Ms. Hanks read the items on the claims docket individually and the Board discussed these items.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----NO
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

b. Ratify Bond Payments

Verified loan repayment documents for DeSoto County Account 05648-049, Mississippi Development Bank Promissory Note, were presented by copy to each Supervisor. Payment was made to Hancock Bank against the following accounts as follows:

<u>Account #</u>	<u>Description</u>	<u>Payment Amount</u>
001-801-800	Principal	\$ 31,250.00
001-801-802	Interest	<u>\$ 15,192.36</u>
		\$ 46,442.36

Verified loan repayment documents for the \$18,000,000 MS Development Bank Special Obligation Bonds, were presented by copy to each Supervisor.

Payment for principal and interest to be made through Trustmark Bank for check #004454 issued 8/30/04 against the following account:

<u>Account #</u>	<u>Description</u>	<u>Payment Amount</u>
215-800-802	Interest	\$ 17,973.91

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to ratify the bond payments as described above. The motion passed by a unanimous vote.

See Exhibit J.8.b

c. Ratify Insurance Payments

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to ratify the insurance payments as described in Exhibit J.8.c. The motion passed by a unanimous vote.

See Exhibit J.8.c

d. Metro Narcotics Interfund Transfer of Seized Funds

At the recommendation of Comptroller Tom Arnold, Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to authorize and instruct the Chancery Clerk, pursuant to Section 41-29-185 of the Mississippi Code of 1972, as amended, to transfer the following forfeited funds that were seized by Metro Narcotics:

<u>Case Number</u>	<u>Defendant</u>	<u>Date Seized</u>	<u>County Receipt</u>	<u>Amount</u>	<u>Date Forfeited</u>
DC-04-0054	Marvin Mathews	07/30/04	16224	\$97.00	09/01/04
	Transfer From	123-900-951	Metro Narcotics Seized	\$97.00	
	Transfer To	120-000-387	Metro Narcotics Forfeitures	\$97.00	

The motion passed by a unanimous vote.

See Exhibit J.8.d

e. Late Bill

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the late bill as follows:

Bancorp South	\$4,138.55
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The motion passed by a unanimous vote.

See Exhibit J.8.e

9. Central Maintenance

a. Road Report & Work Schedule

Pursuant to Section 65-17-7 of the Mississippi Code of 1972, Annotated, Road Manager Russell Dorris presented the Road Report for July 26, 2004 thru August 25, 2004, and the Work Schedule for the month of September 2004.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the Road Manager’s Road Report and Work Schedule Report. The motion passed by a vote as follows:

Supervisor Jessie Medlin	-----YES
Supervisor Eugene C. Thach	-----YES
Supervisor Bill Russell	-----YES
Supervisor Allen Latimer	-----YES
Supervisor Tommy Lewis	-----ABSENT

See Exhibit J.9.a

b. Road Bond Report

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve the Road Manager’s Road Bond Report. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

See Exhibit J.9.b

c. Roads – Poplar Corner, Making the Letter Agreement From Julie Dixon Part of the Minutes

At the recommendation of the Road Manager, Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to make the letter agreement between the Board of Supervisors and Julie N. Dixon, agreeing that the fence on the property should be relocated or repaired if construction damages it in any way on parcel number 2091-0100.0-0014.01. The motion passed by a unanimous vote.

See Exhibit J.9.c

d. Adopt A Road Program – Southern Cross Motorcycle Club For Holly Springs Road 1 ½ mile West From Hwy 305

At the recommendation of the Road Manager, Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve and make a part of the minutes the Adopt A Road Program Agreement between DeSoto County and Southern Cross Motorcycle for 1 ½ miles of Holly Springs Road west of Hwy 305. The motion passed by a unanimous vote.

See Exhibit J.9.d

e. Board of Ed. – Request for Assistance

(1) Center Hill Elementary Walking Trail

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the request for assistance from the Board of Education for the County to grade for a walking trail at Center Hill Elementary with the School District paying for asphalt and any other costs associated with the project. The motion passed by a unanimous vote.

See Exhibit J.9.e

(2) Walls Elementary & Shadow Oaks Elementary Parking Areas

Supervisor Bill Russell asked the Road Manager if he has time and the resources to accomplish this work. The Road Manager said he would work it in his budget.

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis

seconded the motion to work with the County Board of Education to create additional parking spaces at Shadow Oaks Elementary and Walls Elementary by preparing the sites and spreading limestone for the new parking areas with the Board of Education paying for the limestone and other materials. The motion passed by a unanimous vote.

See Exhibit J.9.e

f. Craft Road – Southaven Taildraggers Entrance

Road Manager Russell Dorris explained to the Board of Supervisors that the construction of the improvements to Craft Road by the Board of Education had affected the entrance of a model airplane club. Mr. Dorris said when the road construction is done it will tear out the driveway of the taildraggers. Mr. Dorris said that the airplane club would like the County to replace their driveway.

Supervisor Tommy Lewis said that the Board of Education is willing to buy the gravel or limestone for the driveway. He said he has not talked to the landowner of the property. Supervisor Lewis said the airplane club was upset because they have an event scheduled during the time the road will be closed.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to hold this item over until September 8, 2004, to allow the Board Attorney to research the County's ability to assist in this issue. The motion passed by a unanimous vote.

See Exhibit J.9.f

g. Storm Drain @ 6306 Sandbourne W.

Road Manager Russell Dorris said that there is a storm drain with no top that drains Sandbourne West onto and under the property of 6306 Sandbourne West. Mr. Dorris said that the large open top has created a hazardous situation to this property and to adjacent properties including the subdivision common area. Mr. Dorris said that the public health, safety and welfare of the citizens of DeSoto County are being jeopardized by this situation. Mr. Dorris presented pictures showing the hazard. Mr. Dorris said this is an eight foot storm drain and even though it is off the road, public safety is gravely affected. Mr. Dorris estimated a cost of \$500 to fix the drain.

In accordance with Section 19-5-92 of the Mississippi Code, Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the Road Department covering up the drain on Sandbourne West in the interest of public health, safety and welfare of the citizens of DeSoto County. The motion passed by a unanimous vote.

See Exhibit J.9.g

10. Justice Court Report

Justice Court Clerk Linda Aldridge forwarded a thank you from the Justice Court Judges for the extra security in Justice Court. Ms. Aldridge also presented a report showing that the Constables were not paid for 16 out of 54 cases in Justice Court during one month due to the current procedures.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the Justice Court Report for the month of June 2004, pursuant to Section 25-7-27. The motion passed by a unanimous vote.

See Exhibit J.10

11. Bailiff Pay Approval

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to allow Constables working as Bailiffs to be paid as provided under Section 25-3-69, Mississippi Code of 1973, Annotated; to pay Joe Holmes the amount of \$160.00 for the month of August 2004; to pay Lee Hodge the amount of \$200.00 for the month of August 2004; to pay Floyd Medlin the amount of \$200.00 for the month of August 2004; and to pay Chris Sing the amount of \$160.00 for the month of August 2004 for their services as Bailiffs for DeSoto County Justice Court. The motion passed by a unanimous vote.

See Exhibit J.11

12. Report From Committee to Inspect Olive Branch Library

In accordance with Section 19-13-15 of the Mississippi Code Annotated, before the Board of Supervisors shall make a payment to any contractor for building or for doing any work on any public building where the contract price exceeds \$1,000.00, they must first have the same inspected and accepted by a committee, and have the certificate of the committee, under oath filed and entered on the minutes of the Board. Such committee shall be appointed by the Board of Supervisors for that purpose and shall consist of at least two (2) members of the Board from other districts than the one in which the work is done. The Board shall not make the final payment on any such works or building without first having the same inspected as a whole and accepted by a committee of the Board, as herein before provided, and until the specifications are complied with and the work completed.

In accordance with Section 19-13-15 of the Mississippi Code, Supervisor Tommy Lewis made the motion and Supervisor Eugene Thach seconded the motion to approve the inspection of the Olive Branch Library. The motion passed by a unanimous vote.

13. Homestead Objections to Disallowances

Chancery Clerk Sluggo Davis reported a list of Homestead disallowances that the State Tax Commission denied.

That this day the Chancery Clerk, W.E. Davis, did present to the Board of Supervisors a list of homesteads disallowed by the Mississippi State Tax Commission and charged back to DeSoto County.

He said of the list, the County objects to twelve of the disallowances and accepts the rest of them.

That this day the Chancery Clerk, W.E. Davis, did present to the Board of Supervisors a list of Homesteads disallowed by the Mississippi State Tax Commission and charged back to DeSoto County. The Board objected to the following:

1065221400016000	Boyd, Marcia L.
1088330200116400	Culver, Cynthia J.
1059320300011000	Gangwish, Craig Allen
1086231300125300	Popiel, Glen A.
2076230400055100	Shannon, Tommy R.
1059320800030400	Sherman, Leenetta Bailes

2082040100000600	Sonneman, William L.
1075210200005800	Stone, Teresa
1087260800002800	Summers, Marvin H.
1079292100001700	Tidwell, Jaime R. Taylor
3098280100000400	Wilroy, John A.
1065222100008300	Wojcik, Raymond

The Board accepts the disallowances on Homestead by the Tax Commission for various parcels as listed in Exhibit J.13 and to object to disallowances of Homestead by the State Tax Commission for the parcels listed above. The motion passed by a unanimous vote.

See Exhibit J.13

14. Travel Approval

In accordance with Section 25-3-41 Mississippi Code of 1972, as amended, any official or employee of DeSoto County, Mississippi is hereby authorized to travel during the period of September 7, 2004, to October 4, 2004, as necessary, and to incur travel expenses in the performance of their official duties for DeSoto County; that all such travel is hereby authorized, contingent on funds being available in the departmental budget of the individual traveling.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to authorize DeSoto County employees to travel during the period of September 7, 2004 to October 4, 2004, as necessary, and incur travel expenses in the performance of their official duties for DeSoto. The motion passed by a unanimous vote.

15. Publication of Board Proceedings

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve the publication of Board proceedings, in accordance with Section 19-3-33 of the Mississippi Code, which states that the Board of Supervisors may have its proceedings published in some newspaper published in the County, and cause the same to be paid for out of the County treasury. The motion passed by a unanimous vote.

16. Sheriff's Employee Report

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to acknowledge receipt of the Sheriff's Department Employee Report for the month of August 2004. The report is attached and made a part of the minutes in Exhibit J.16. The motion passed by a unanimous vote.

See Exhibit J.17

17. Chancery Clerk Allowance

On this date, the County Administrator, David Armstrong, presented, on behalf of the Chancery Court Clerk, W. E. Davis, an order of Allowances to the Board of Supervisors for the August 2004, term in the amount of \$1,770.00. Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve these payments of \$960.00 and \$810.00, pursuant to Section 25-7-9 of the Mississippi Code of 1972, Annotated. The motion passed by a unanimous vote.

See Exhibit J.18

18. Approval to Set Tax Levy, as per 27-39-317, MCA

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to adopt the budget for FY05 and to set the millage rate at 94.62, as recommended by the County Administrator. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----NO
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

19. Making Fully Executed Agreements Part of the Minutes

a. Butch Lambert & Associates

Grants Administrator Joyce Herring said the County has been awarded the Solid Waste Grant. We cannot apply for reimbursement until the end of September.

Supervisor Bill Russell made the motion and Supervisor Allen Latimer seconded the motion to approve making the Fully Executed Agreement between DeSoto County and Butch Lambert and Associates part of the minutes, for a total price of \$60,000. The motion passed by a unanimous vote.

See Exhibit J.21.a

b. Metro Narcotics – Ashland Building Lease

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to approve making the Fully Executed Amendment to the Lease Agreement for the Metro Narcotics building between DeSoto County and Ashland, Inc., a part of the minutes. The motion passed by a unanimous vote.

See Exhibit J.21.b

20. Board of Education – School Bus Turnarounds

After receiving the estimate from Road Manager Russell Dorris for 2 loads of gravel for 7661 Dylan Road, 4 loads of gravel for 4709 Smith Road and a recommendation from the Road Manager regarding the School Bus Turnaround, and in accordance with Section19-3-42, Mississippi Code of 1972 as amended, stating that the school bus turnarounds will be built, maintained and improved, Supervisor Jessie Medlin made the motion to build, maintain, and improve the properties in the Superintendent’s letter dated August 27, 2004, and to direct the County Road Manager to carry out this order of this Board, forthwith. Supervisor Bill Russell seconded the motion for the following list:

Lori Talbert	4709 Smith Road	Hernando, Ms.	Bus#274
Jerry Crawford	7661 Dylan Road	Hernando, Ms.	Bus#114

The motion passed by a unanimous vote.

See Exhibit J.22

21. Wastewater Update

Tracy Huffman of WEI/EAI presented an update on the Countywide Wastewater System to the Board of Supervisors. He said that the Laughter Byhalia Operation should be on-line by April 2005. He said the next goal is to get to Hernando as soon as possible. Currently, the goal for bringing the system's own is to bring Olive Branch on by the spring of 2005, to bring Hernando on by the spring of 2006, and Southaven has recently come up with money to bring theirs on sooner, but the details have not been worked out to identify a specific timeframe.

Mr. Austin said the DCRUA Board had approved repayment of the note to the County beginning in 2012.

Supervisor Russell asked what would happen if a developer wants to build a 500 unit subdivision. Mr. Austin said first the developer would have to get subdivision approval by DEQ. He said they will tell him he has to develop a certificated area for collection or he will not be approved. He said if the wastewater system cannot get to him, he will have to build the system.

Tracy Huffman presented Amendment #8 that the DCRUA Board has already approved for the Board's final approval.

Supervisor Allen Latimer asked about the status of the sewer system in Woodland Lakes. Mr. Huffman said, in order to make the project feasible, they will have to follow the most densely populated areas.

County Administrator David Armstrong asked about the design of the Western Division. Mr. Huffman said, of what he has presented, about \$500,000 is going to the Western Division and the balance if going to the Eastern Division.

Mr. Armstrong asked what will have to happen to get the Ross Road Treatment facility in compliance. Mr. Austin said they will have to do an assessment.

Mr. Armstrong explained that the DCRUA will be a stand alone entity as of October 1, 2004.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to approve Amendment #8 between the DCRUA, WEI/EAI, and DeSoto County for the Countywide Wastewater System. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----NO
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit J.23

K. EXECUTIVE SESSION

The executive session portion of these minutes are recorded under the portion of the minutes called "Executive Session".

L. OTHER ISSUES

1. Fire Investigation Team

Fire and EMS Director Bobby Storey said that Mark Blackson and Paul LeBlanc completed Arson and Explosive Investigators Training. He said they are the only people from I-20 north in the State to have received this certification.

2. Fire Department – Minimum Standards Board

Fire and EMS Director Bobby Storey said that Mike Hancock has been appointed to the Minimum Standards Board at the State Fire Academy.

3. Inventory Clerk

County Administrator David Armstrong said he is going to suggest that the Board of Supervisors appoint Amy Henley as Inventory Clerk since Joyce Herring does not have time to fulfill those duties.

4. Fire Departments – DeSoto Woods

At the recommendation of Fire and EMS Director Bobby Storey, Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to send a Letter of Appreciation to the volunteers of the DeSoto Woods Fire Department as follows:

William Sherer	Ricky Holliman	Paul Sisk	Carol Wealkey
Jason Presley	Gerald Webb	Perry Principi	Leroy Bledsoe
Josh Wilber	Brad Moore	Mark Kroush	Bradley Woods
Brooks Moore	Zack Bradley	Gerald Swindle	Carl Payne
Michell Koehler	Mary Crandle		

The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----ABSENT
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to recess the meeting until September 8, 2004 at 9:00 a.m. The motion passed by a unanimous vote.

THIS the 7th day of September 2004, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Eugene Thach, President
DeSoto County Board of Supervisors